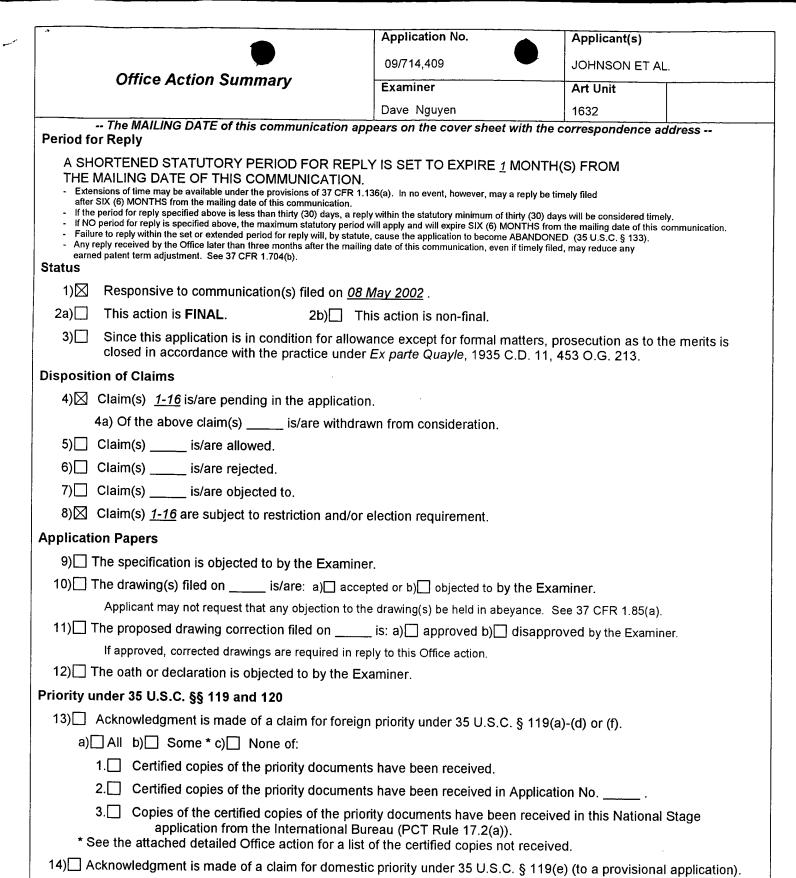


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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,409	11/14/2000	Leisa Johnson	ONYX1033ord	5051
75	590 06/12/2002		. •	
Gregory Giotta ONYX Pharmaceuticals Inc 3031 Research Drive			EXAMINER	
			NGUYEN, DAVE TRONG	
Richmond, CA 94806			ART UNIT	PAPER NUMBER
			1632	2
			DATE MAILED: 06/12/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.



U.S. Patent and Trademark Office PTO-326 (Rev. 04-01)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)

Attachment(s)

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

4) Interview Summary (PTO-413) Paper No(s).

6) Other: detailed action.

5) Notice of Informal Patent Application (PTO-152)

Serial Number: 09/714,409

Art Unit: 1633

Election/Restriction

Species Restriction is required under 35 U.S.C. 121:

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species of activator sequence as following, even though this requirement is traversed:

- Substitution site from a Ad vector which is the site of an endogenous Ad E1a promoter.
- Substitution site from a Ad vector which is the site of an endogenous Ad E4 promoter.

Applicant is required to elect a single disclosed species as listed above.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

Any inquiry concerning this communication or earlier communications regarding the formalities should be directed to Patent Analyst Dianiece Jacobs, whose telephone number is **(703) 305-3388.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Dave Nguyen* whose telephone number is **(703) 305-2024**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Deborah Reynolds*, may be reached at **(703) 305-4051**.

Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center number is **(703)** 305-7401.

Any inquiry of a general nature or relating to the status of this application should be directed to the *Group receptionist* whose telephone number is **(703) 308-0196**.

Dave Nguyen Primary Examiner Art Unit: 1632

DAWET NOVEN FRIMARY EXAMINER